

**THE NOTES BELOW REPRESENT
NOTES AFTER THE SECOND CHECK
HAS BEEN COMPLETED. NO
FURTHER DOCUMENTS WILL BE
REVIEWED PRIOR TO HEARING.**

Proposed Local Rules have been posted and can be viewed by visiting
<http://www.sbcounty.gov/courts/pdfs/misc/proposedrules.pdf>

The court welcomes your comments on these proposed rules. Please send them via E-mail to dmeyers@courts.sbcounty.gov or mail them to San Bernardino County Superior Court, 303 West Third Street, Mail Stop 240, San Bernardino, CA 92415. Comments are due by May 12, 2008. If sending comments close to the end of the comment period, please email only.

**The Probate Examiners can be reached at
ProbateNotes@courts.sbcounty.gov. Emails must have the case
identification information and hearing time/date in the subject line. No
attachments will be opened. Probate Examiners can only respond to
inquiries regarding the meaning of comments in the notes. PLEASE DO
NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO
REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN
RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or
procedural advice may be given.**

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

PROBATE

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: MPRMS00293

CASE NAME: IN THE ESTATE OF HARRY D FOSTER

HEARING:

Hearing Re: FILING OF RECEIPTS AND FINAL DISTRIBUTION.

COUNSEL:

PATRICIA BLANCHE	(PET)...DIANE E. PHILLIPS
HARRY D FOSTER	(PET)...FENSTEN & GELBER

GENERAL INFORMATION **Continued from 11/27/07. No appearance. Clerk mailed notice.**

Continued from 1-29-08 at request of counsel. Nothing new filed.

Continued from 4-1-08.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court needs to sign judgment of final distribution. The order is on the left side of the file.
2. Need receipt from Gregory Blanche and Rachel Blanche.
3. There is an order for final discharge, however it is a photocopy. Need to file original.

RECOMMENDATION:

Need receipts and original final discharge order.

/NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: MPRMS01431

CASE NAME: ESTATE OF ALVIS JEFFERS

HEARING:
Hearing re Final Discharge

	COUNSEL:
JOHN RADCLIFF	(PET)...DENNIS J HEALEY
ALVIS JEFFERS	(DEC)...

GENERAL INFORMATION Continued from 4-1-08.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Receipts have been filed.
2. The exparte petition for final discharge was lodged and returned for errors.
We are awaiting a properly completed exparte petition for final discharge.

RECOMMENDATION:
Court's discretion.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: MPRMS01623

CASE NAME: ESTATE OF LINDA THOMPSON CHILDS

SEE ALSO 4

HEARING:
OSC re: Removal of Administrator

COUNSEL:
FRED LANE THOMPSON (PET)...PRO/PER
LINDA THOMPSON CHILDS (DEC)...

GENERAL INFORMATION Continued from 4-1-08. No one appeared. Court continued matter to notice Public Administrator of possible appointment. Nothing new filed.

THIS CASE IS SET FOR HEARING ON O.S.C. re removal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter set when case was set for accounting review. No accounting or status report filed and no one appeared. Clerk gave mailed notice.
2. Nothing new has been filed.

RECOMMENDATION:

If petitioner fails to appear court will have to issue citation and order it personally served. There is no bonding company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: MPRMS01623

CASE NAME: ESTATE OF LINDA THOMPSON CHILDS

SEE ALSO 3

HEARING:
Accounting Review

COUNSEL:

FRED LANE THOMPSON (PET)...PRO/PER
LINDA THOMPSON CHILDS (DEC)...

GENERAL INFORMATION:

Letters of Administration issued 10/2/06 (full authority, no bond)

Continued from 12-11-07. Petitioner failed to appear. Court continued matter and clerk gave notice. Nothing new filed.

Continued from 2-19-08. No appearance. Clerk gave notice. Nothing new filed.

Continued from 4-1-08. Clerk to notice Public Administrator of possible appointment. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Accounting Review/Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. No accounting or status report is filed.

RECOMMENDATION:

See preceding page.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: OPRRS3627

CASE NAME: IN THE MTTR OF LILLIAN S LEVINSON

HEARING:
Accounting Review

COUNSEL:
DIANE LEVINSON BOETTCHER (PET)...WILLARD D HORWICH
LILLIAN S LEVINSON (DEC)...
WELLS FARGO BANK (PET)...ZETTERBERG & KING

GENERAL INFORMATION **Continued from 2-20-08. No appearance. The clerk has given notice. Nothing new filed.**
Continued from 4-1-08. No one appeared. Clerk gave notice. Nothing new filed.

THIS CASE IS SET FOR HEARING ON
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. 23rd accounting for last remaining sub-trust approved 12/20/07.
2. Need next accounting.

RECOMMENDATION

When the trustee fails to file an accounting as ordered, the court may take the action specified in Pr.C. § 800 and CCP § 128.

Future Hearing Dates:
8/07/08 Hearing re Final Discharge (on a different sub-trust)

/NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700235

CASE NAME: NORMA JEAN WILLS

HEARING:

Petition for FOR PAYMENT OF STATUTORY AND EXTRAORDINARY
EXECUTOR'S FEES, ETC

COUNSEL:

DANIEL J LARSON	(PET)...	LEAH CLIFTONCALICA
NORMA JEAN WILLS	(DEC)...	
JAMES L WILLIS	(PET)...	SPRINGER & POLLOCK

GENERAL INFORMATION continued on court's own motion to 6-3-08.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700659

CASE NAME: STACEY L. HERRMANN

SEE ALSO 8

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

MARILYN P HERRMANN	(PET)...	GUAY P WILSON
STACEY L HERRMANN	(DEC)...	
CAROL LEE STANSBURY	(SA)...	GUAY P WILSON

GENERAL INFORMATION **Continued from 2-19-08. See matter on next page.**
Continued from 4-1-08 to file statement from doctor.

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Final I&A filed. However, need bank/investment statements. **Supp: Current administrator passed away 4/10/08. Need finalization of I&A and final accounting by counsel.**

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, the court may set a hearing in accord with Pr.C. §§ 8804 and/or 8505. There is no bonding company to notice.

FUTURE HEARINGS CURRENTLY SET: 10-21-08 for accounting review

NMT/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700659

CASE NAME: STACEY L. HERRMANN

SEE ALSO 7

HEARING:

PETITION FOR LETTERS OF ADMINISTRATION W/WA W/FULL

AUTHORITY

UNDER IAEA.

COUNSEL:

MARILYN P HERRMANN	(PET)...	GUAY P WILSON
STACEY L HERRMANN	(DEC)...	
CAROL LEE STANSBURY	(SA)...	GUAY P WILSON

GENERAL INFORMATION This petition is a petition for successor administrator. The petition is based on the fact that the current administrator cannot administer the estate due to ill health. However, the petition is premature. There cannot be a successor administrator until such time as the current administrator either resigns or is removed. Neither has occurred at this time. The notes below are to be considered if there is a resignation or removal of the current administrator.

Continued from 4-1-08 to file statement from doctor. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for Probate of Will and for Letters of Administration with Will Annexed, with Full Independent Administration of Estate Act Powers and \$175,000 Bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the niece of the current administrator. She has been nominated by her mother who is the sole heir of the current administrator. Current administrator is the sole heir of this estate. This would give the petitioner a higher priority than the Public Administrator. Hence, the Public Administrator need not be noticed. **Supp: Current administrator passed away 4/10/08.**
2. Notice appears to be complete.
3. Publication not required on a petition for successor administration.

RECOMMENDATION:

Need final accounting from current administrator (by counsel). If petition granted court will have to set future dates. The normal date for the filing of an inventory and appraisal would be 12-9-08. However, the inventory and appraisal is already overdue, as the time for filing is based on the first letters to be filed. Judge to decide if an earlier date is appropriate. Set hearing for filing of accounting and/or status report for 7-14-09. Any accounting to be filed 30 days in advance. If prior administrator is removed or resigns court should order a final accounting and set a date certain for the filing of that document.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0701183

CASE NAME: EULYESS P HIGHTOWNER

DISMISSED

HEARING:

Petition for FOR ORDER THAT BETTY J. HIGHTOWER PRODUCE WILL
AND
TRUST OF DECEDENT

COUNSEL:

DAVID CORBETT	(PET)...	GREGORY T ANNIGAN
EULYESS P HIGHTOWER	(DEC)...	
LAURA KNEFEL	(PET)...	GREGORY T ANNIGAN
BETTY HIGHTOWER	(OBJ)...	SHARON MORFF

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0701183

CASE NAME: EULYESS P HIGHTOWNER

DISMISSED

HEARING:

Petition for FOR ORDER THAT BETTY J. HIGHTOWER PRODUCE WILL
AND
TRUST OF DECEDENT

COUNSEL:

DAVID CORBETT	(PET)...	GREGORY T ANNIGAN
EULYESS P HIGHTOWER	(DEC)...	
LAURA KNEFEL	(PET)...	GREGORY T ANNIGAN
BETTY HIGHTOWER	(OBJ)...	SHARON MORFF

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800137

CASE NAME: JAMES COLANGELO

SEE ALSO 10A

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

NICK R COLANGELO	(PET)...ROGER VON KAESBORG
JAMES COLANGELO	(DEC)...
HENRY COLANGELO	(OBJ)...PRO/PER

GENERAL INFORMATION

Continued from 4/7/08 to be heard with competing petition.

THIS CASE IS SET FOR HEARING ON

- 1) Petition for Letters Testamentary, full authority
- 2) Petition for Letters of Administration, full authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

Petition #1 by Nick Colangelo (son)

1. Will waives bond.
2. Proof of service filed indicating service to a minor under 12 years of age. For minors under 12 years of age, need notice to be sent to minors' guardian.
3. Objections have been filed by Henry Colangelo. The objections also appear to be an attempt at a Will contest. However, objector failed to have a summons issued and the objection is not verified. **Objector has also filed a competing petition that is scheduled to be heard this date.**
4. **Response to Objection filed by petitioner #1.**

Petition #2 by Henry Colangelo (son)

1. Need proof of publication.
2. Petitioner seeks letters of administration yet a will is pled and attached to petition (though petitioner alleges that "Will has no [sic] been disclosed – Has knowledge of." Issues:
 - a. Need verified supplement clarifying this petitioner's position re the will. (Note that petitioner also appears to be relying upon the validity of the will by alleging at section 3d(1) that the will waives bond.
 - b. Will appoints petitioner #1. On what basis does this petitioner seek appointment? And if appointed and will is valid, letters would be for letters of administration with will annexed.
3. Will waives bond. However, it is unclear that petitioner alleged a valid will (see above). JTD.
4. Proof of service filed indicating service to a minor under 12 years of age. For minors under 12 years of age, need notice to be sent to minors' guardian.
- 5.

RECOMMENDATION:

Need to clear notes, then set for contested hearing. Court may wish to advise objector of the need to have a summons issued if there is to be a Will contest.

(KRA/NMT/abs).

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800137

CASE NAME: JAMES COLANGELO

SEE ALSO 10

HEARING:

Petition for Probate, Letters of Tstmntry with full authority
under IAEA

COUNSEL:

NICK R COLANGELO	(PET)...ROGER VON KAESBORG
JAMES COLANGELO	(DEC)...
HENRY COLANGELO	(OBJ)...PRO/PER

FILE OUT 4-07

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800211

CASE NAME: JUNE LOUISE CHAPMAN

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

JULIE THOMS (PET)...DENNIS M SANDOVAL
JUNE LOUISE CHAPMAN (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and
no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Will names Paul Thomas and Julie Thomas to act as co-executors. If they should fail to act then Pamela Harris and Kenneth Harris are named co-executors. Here, Paul Thomas has declined in favor of Julie Thomas only. There is nothing in the will that allows them to act individually. Need declinations to act by Pamela and Kenneth Harris.
2. All heirs waive bond. Petitioner is a resident of Ohio. Judge to decide.
3. Who is the trustee of the Chapman Family Trust? As the trust is the primary beneficiary of the estate the trustee must be listed in section 9 of the petition and noticed.
4. Harold Chapman, Paul Thomas and Kenneth Harris are named in the will, but are not named in section 9. File verified supplement.

RECOMMENDATION:

Need to correct notes. If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 12-9-08. Set hearing for filing of

accounting and/or status report for 7-14-09. Any accounting to be filed 30 days in advance.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800231

CASE NAME: ALBERT OSCAR JOHNSON

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

SHERRY MARIE JOHNSON (PET)...ROGER VON KAESBORG
ALBERT OSCAR JOHNSON (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and
no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. There are 2 witnesses to the will, however, one is a notary and one is a named beneficiary. As to the notary, per *Estate of Saueressig* (2006) 38 Cal. 4th 1045, although not specifically stated in the holding of the court, the implication of the court is that the notary can qualify as a witness. This assumes that the witness signs prior to death of the decedent and observes the other required formalities. It would appear that this is the case in the instant matter. As to the beneficiary witness, the beneficiary as a witness creates a presumption that the witness procured the devise by duress, menace, fraud, or undue influence. In the event that the presumption is not overcome then the beneficiary would receive a share that would not exceed the distribution to the witness if the will were not established. Here, the proceeds of the estate are distributed equally between the surviving children of the decedent. Witness beneficiary is one of the children. This is the same as the intestate heir would receive. Hence, it would appear that there is no basis to challenge the validity of the witness' signature.
2. Will waives bond.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 12-9-08. Set hearing for filing of accounting and/or status report for 7-14-09. Any accounting to be filed 30 days in advance.

NMT/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800247

CASE NAME: JOHN V. MARTINEZ

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

REBECCA MARIE LLAMAS (PET)...ROGER VON KAESBORG
JOHN V MARTINEZ (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and
no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Will waives bond.
2. Will is not self proving. File proof of subscribing witness.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of
inventory and appraisal for 12-9-08. Set hearing for filing of accounting and/or
status report for 7-14-09. Any accounting to be filed 30 days in advance.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800259

CASE NAME: CHRISTOPHER M. LEON

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

JOSHUA C LEON (PET)...LAYNE A BARTHOLOMEW
CHRISTOPHER M LEON (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A. authority and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Sole heir waives bond. Petitioner is a California resident.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 12-9-08. Set hearing for filing of accounting and/or status report for 7-14-09. Any accounting to be filed 30 days in advance.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02515

CASE NAME: WILSON PATRICK LUE SANG

HEARING:
Hearing re Final Discharge

COUNSEL:
DEANNA F KENARD (PET)...JAMES T FOX
WILSON PATRICK LUE-SANG (DEC)...
MICHAEL LUE SANG (OBJ)...SPRINGER & POLLOCK

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need receipt from Michael Sang.
2. Need exparte petition for final discharge.

RECOMMENDATION:
Require correction of notes.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02635

CASE NAME: PARMALEE GORING

HEARING:
Hearing re Final Discharge

COUNSEL:
EUGENE GORING (PET)...MARLENE
PARMALEE GORING (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts or final discharge order have been filed.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505. There is no bonding company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02650

CASE NAME: ****MASTER FILE MURRAY FAMILY TRUST ****.

HEARING:
Accounting Review

COUNSEL:
DENNIS C MURRAY (PET)...SCOTT P SCHOMER
CONKLIN I MURRAY (DEC)...
WENSETTA F PRUETT (RES)...PRO/PER
PENNELOPIE L PARROTT (MAUREEN MURATORE
)...MAUREEN M

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Matter was set when the parties entered into a settlement agreement on 1-31-08. No accounting filed.

RECOMMENDATION:

When the trustee fails to file an accounting as ordered, the court may take action as specified in Pr.C. § 800 and C.C.P. § 128.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02935

CASE NAME: NICOLAS HARE SPECIAL NEEDS TRUST

HEARING:
SECOND Account and Report of GINA HARE and Petition for
allowance of fees filed.

COUNSEL:
GINA HARE (TEE)...VARNER & BRANDT, LLP
CLARENCE HARE (VARNER & BRANDT, LLP)...VARNER
&

GENERAL INFORMATION continued on court's own motion to 6-3-08

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02969

CASE NAME: LANA DAWN BERGMAN

SEE ALSO 20 21

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

ROBERT CARSTENS (PET)...GREGORY T ANNIGAN
LANA DAWN BERGMAN (DEC)...
STATE OF CALIF FRANCHISE TAX B(TP)...

GENERAL INFORMATION

Continued from 1/30/07, 4/17/07, and 7/17/07 at the request of counsel. Nothing new filed.

Continued from 10/17/07 at request of counsel. Nothing new filed.

Continued from 11/28/07 at request of counsel. Nothing new filed.

Continued from 3/3/08.

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters issued 7/26/06, no bond required.
2. Partial I&A filed. Need Final I&A.
3. Pr.C. 850 petition is pending (see other notes this date).

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, court may set a hearing in accord with Pr.C. § 2614.5 and/or 8505.

(/cbr/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02969

CASE NAME: LANA DAWN BERGMAN

SEE ALSO 19 21

HEARING:

Petition for TO DETERMINE TITLE TO AND REQUIRE TRANSFER OF
REAL
AND PERSONAL PROPERTY TO ESTATE

COUNSEL:

ROBERT CARSTENS (PET)...GREGORY T ANNIGAN
LANA DAWN BERGMAN (DEC)...
STATE OF CALIF FRANCHISE TAX B(TP)...

Opposed Pr.C. 850 petition – continue per Pr.C. 852 request for continuance by
two respondents. (A specific length of continuance was not made.)

Superior Court of Calif, County of San Bernardino

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CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02969

CASE NAME: LANA DAWN BERGMAN

SEE ALSO 19 20

HEARING:

Accounting Review

COUNSEL:

ROBERT CARSTENS (PET)...GREGORY T ANNIGAN

LANA DAWN BERGMAN (DEC)...

STATE OF CALIF FRANCHISE TAX B(TP)...

GENERAL INFORMATION

Continued from 10/17/07 at request of counsel. Nothing new filed.

Continued from 11/28/07 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Probate petition granted 7/25/06, no bond required.
2. No accounting/ status report has been filed.
3. Pr.C. 850 petition is pending (see other notes this date).

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050. There is no bonding company to notice.

(/cbr/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: SPASS4967

CASE NAME: ESTATE OF ANDREW A MURRY

HEARING:

Hearing re: FINAL DISCHARGE

COUNSEL:

PUBLIC ADMINISTRATOR (PET)...GRESHAM SAVAGE NOLAN &
TILDEN
ANDREW A MURRY (DEC)...

GENERAL INFORMATION:

Continued from 7/14/06 at request of counsel as beneficiary refuses to cooperate.

Continued from 12/7/06, 3/8/07, 5/17/07, 11/8/07 and 2/21/08 at request of counsel. At last hearing, counsel advised that an heir could not be located and certain items of personal property need to be sold then deposited into the County Treasurer. Nothing new filed.

Continued from 3-18-08. At time of 3-18 hearing counsel advised that an heir could not be located and certain items of personal property need to be sold then deposited into the County Treasurer. Nothing new filed.

THIS CASE IS SET FOR HEARING ON final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Order re final distribution entered 7/8/05.
2. No receipts or final discharge filed. Need same.
3. **PA has filed a petition to modify prior judgment determining entitlement to distribution on the basis that the beneficiaries are not cooperating. Hearing is set for 6/10/08.**

RECOMMENDATION

Trail to meet 6/10/08 hearing.
(GLS/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS05226

CASE NAME: ESTATE OF DAVID A. MALKO

HEARING:
SECOND AND FINAL Account and Report of RACHEL DAVID MALKO and
Petition for allowance of fees filed.

COUNSEL:
DAVID A. MALKO (DEC)...
RACHEL DAVID MALKO (PET)...MONTELEONE & MCCRORY
JANET MALKO (TP)...
MARTHA MALKI (MONTELEONE & MCCRORY
)...MONTELEON
SOLOMON DAVID MALKI (HORSPOOL & PARKER
)...HORSPOOL

GENERAL INFORMATION continued on court's own motion to 6-10-08

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS05749

CASE NAME: ESTATE OF JACK ROBERT ASH

VACATED

HEARING:
Hearing re Final Discharge

COUNSEL:

APRIL BRUNT	(PET)...	BANKS AND STRATHMAN ATTORNEYS
JACK ROBERT ASH	(DEC)...	
JAMES B CHURCH	(TP)...	
LYNETTE GRAHAM	(ROBERT J SPITZ)...ROBERT J

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS07211

CASE NAME: ESTATE OF RALPH JACKSON SPURLOCK JR

SEE ALSO 26 27

HEARING:

Motion re: NOTICE OF MOTION AND MOTION filed by Petitioner TED
R. SPURLOCK

COUNSEL:

TED R. SPURLOCK (PET)...J. TERRENCE MOYNIHAN
RALPH JACKSON SPURLOCK JR (DEC)...

GENERAL INFORMATION: **continued from 10/11/07. Citation issued to
petitioner, Ted Spurlock.**

Continued from 11-29-07, at request of Mr. Spurlock. Nothing new filed.

Continued from 1-22-08 at request of counsel. Nothing new filed.

Continued from 4-1-08 at request of court. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Motion to be Relieved as Counsel

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED;

1. Counsel alleges counsel has information that there are no assets contained in the estate. As such, there are no funds out of which compensation may be paid for legal services (past, present or future). Counsel requests to be relieved as counsel.
2. The inventory shows assets valued at \$546,392.17 (real and personal property) at date of death, or 1/19/05. According to the Assessor's website, it appears the real properties in the estate, one in LA County and the other in San Diego County, were sold in 1998. Decedent's estate was under conservatorship in 1998 (Riverside County Case No. PRO65351). Court may wish to inquire what happened to the cash and/or net sale proceeds from the sale(s) of the real properties.
3. OSC re surcharge is also before the court (matter 28).
4. **Final Report Upon Waiver of Accounting filed 4/18/08. This motion may be moot. Suggest court inquire.**

RECOMMENDATION:
Court's discretion.

/NMT/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS07211

CASE NAME: ESTATE OF RALPH JACKSON SPURLOCK JR
SEE ALSO 25 27

HEARING:
OSC re: Surcharge

COUNSEL:
TED R. SPURLOCK (PET)...J. TERRENCE MOYNIHAN
RALPH JACKSON SPURLOCK JR (DEC)...

GENERAL INFORMATION:

On 10/11/07, Court issued Citation to Ted Spurlock

Continued from 11-29-07. Still do not see return of citation. Continued at request of Mr. Spurlock to allow him to be present. Nothing new filed.

Continued from 1-22-08. At the 1-22 hearing petitioner stated that the proceeds went to the IRS. Court ordered petitioner to file paperwork regarding properties with Attorney Moynihan. Court ordered Mr. Spurlock to be present in court on 4-1-08. Nothing new filed.

Continued from 4-1-08. At the time of the 4-1-08 hearing the court ordered counsel to prepare and file a waiver of accounting and surcharge order. Court ordered that Mr. Spurlock need not appear at the time of the 5-6-08 hearing.

THIS CASE IS SET FOR HEARING ON OSC re surcharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Mr. Spurlock appeared and was told by the court that he need not appear for the 5-6-08 hearing.
2. The inventory shows assets valued at \$546,392.17 (real and personal property) at date of death, or 1/19/05. According to the Assessor's website, it appears the real properties in the estate, one in LA County and the other in San Diego County, were sold in

1998. Decedent's estate was under conservatorship in 1998 (Riverside County Case No. PRO65351). Court may wish to inquire what happened to the cash and/or net sale proceeds from the sale(s) of the real properties.

RECOMMENDATION:
Court's discretion.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS07211

CASE NAME: ESTATE OF RALPH JACKSON SPURLOCK JR
SEE ALSO 25 26

HEARING:
Accounting Review

COUNSEL:
TED R. SPURLOCK (PET)...J. TERRENCE MOYNIHAN
RALPH JACKSON SPURLOCK JR (DEC)...

GENERAL INFORMATION **Continued from 4-1-08. Matter continued at the request of the court. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. **Final Report Upon Waiver of Accounting filed 4/18/08 for 5/6/08 hearing. Documents were not available for research until the last moment and matter is not on calendar.**

RECOMMENDATION:

Suggest court vacate this accounting review and continue hearing on final report for 30 days for calendar setting and research.

NMT/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS07223

CASE NAME: MTR OF HARVEY GEORGE DELO

HEARING:

FIRST AND FINAL Account and Report of MICHAEL DALE DELO and
Petition for allowance of fees filed.

COUNSEL:

MICHAEL DALE DELO (PET)...ROGER VON KAESBORG
HARVEY GEORGE DELO (DEC)...
JEANNE LAMBETH (OBJ)...PRO/PER
INHERITANCE FUNDING COMPANY, I(STEVEN D SCHROEDER
)...STEVEN D

GENERAL INFORMATION continued on court's own motion to 6-10-08.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS07245

CASE NAME: ESTATE OF RICHARD R PERROTT

SEE ALSO 29A 30

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

PATTI PERROTT	(PET)...	GREGORY T ANNIGAN
RICHARD R PERROTT	(DEC)...	
EVAN PERROTT	(OBJ)...	DILL AND SHOWLER
DONALD L EDGAR	(MAY LEE TONG)...MAY LEE T
MICHAEL S KAHN	(PRO/PER)...PRO/PER

GENERAL INFORMATION

Continued from 7/17/07 at request of counsel.

Continued from 10/17/07 at request of counsel.

Continued from 11/28/07 at request of counsel. Nothing new filed.

Continued from 3-3-08 at request of counsel. Nothing new filed on this issue.

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters issued 6-6-07, \$100,000 bond.
2. No inventory filed. Need final inventory and appraisal .

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, court may set a hearing in accord with Pr.C. § 2614.5 and/or 8505. Clerk to notify bonding company.

(/cbr/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS07245

CASE NAME: ESTATE OF RICHARD R PERROTT

SEE ALSO 29 30

HEARING:
PETITION FOR REMOVAL OF PERSONAL REPRESENTATIVE

COUNSEL:

PATTI PERROTT	(PET)...	GREGORY T ANNIGAN
RICHARD R PERROTT	(DEC)...	
EVAN PERROTT	(OBJ)...	DILL AND SHOWLER
DONALD L EDGAR	(MAY LEE TONG)...MAY LEE T
MICHAEL S KAHN	(PRO/PER)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition for removal of personal representative.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner requests removal of personal representative on the basis of the failure to file an I&A for 19 months since appointment. (See other pages this date.)
2. Petitioner seeks the appointment of a neutral PPF. No petition for successor representative is pending.
3. Proof of service filed.
4. No opposition filed as of date of review.

RECOMMENDATION
Court's discretion.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS07245

CASE NAME: ESTATE OF RICHARD R PERROTT
SEE ALSO 29 29A

HEARING:
Accounting Review

COUNSEL:	
PATTI PERROTT	(PET)...GREGORY T ANNIGAN
RICHARD R PERROTT	(DEC)...
EVAN PERROTT	(OBJ)...DILL AND SHOWLER
DONALD L EDGAR	(MAY LEE TONG)...MAY LEE T
MICHAEL S KAHN	(PRO/PER)...PRO/PER

GENERAL INFORMATION **Continued from 3-3-08 at request of counsel.**
Nothing new filed on this issue.

THIS CASE IS SET FOR HEARING ON Accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Probate petition granted 10/25/06, \$100,000 bond.
2. No accounting has been filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq. Clerk to notify bonding company.

(cbr/NMT)

FUTURE HEARINGS CURRENTLY SET: 5-21-08 for hearing on petition to determine interest in property.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH **CONSERVATORSHIPS**

DATE: 05/06/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0700099

CASE NAME: JOHN M KYES

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of IRENE KYES

COUNSEL:

IRENE KYES	(CPE)...LAW OFFICES OF SAMUEL A LOVELY
MICHAEL KYES	(CPE)...LAW OFFICES OF SAMUEL A LOVELY
JOHN M KYES	(CEP)...

GENERAL INFORMATION **Continued from 4-1-08 at request of counsel.**
Nothing new filed.

THIS CASE IS SET FOR HEARING ON compliance review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. The inventory and appraisal has been filed.
2. Need proof of service of inventory including proof of service of instructions for objection to inventory and appraisal. Pr.C. § 2610
3. Need statement of care plan. Pr.C. § 2352.
4. Court Investigator 6 month report not due until 5-30-07. Pr.C. § 1850(a)(1)
5. Need proof of service of a copy of the order for conservatorship with notification of rights on the Conservatee and all relatives within the 2nd degree. Pr.C. § 1830(c).

RECOMMENDATION:

Need correction of notes.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0700249

CASE NAME: CHARLES E AYDELOTTE

SEE ALSO 33

HEARING:

Petition for Appointment of Conservator

COUNSEL:

LINDY D NUNNENKAMP (CPE)...MCCORMICK KIDMAN &
BEHRENS
CHARLES E AYDELOTTE (CEP)...

GENERAL INFORMATION

Continued from 12/4/07 at request of counsel. Court notes that either need a termination or transfer of the Orange County case.

Continued from 3/11/08 at request of counsel. Nothing new filed.

Continued from 4-1-08 to obtain transfer from Orange County.

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of the person and estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. An LPS conservatorship was established in 6-07 in Orange County, with bond in the amount of \$129,000. This would mean that Orange County has jurisdiction in this case. Until such time as Orange County either terminates their case or transfers their case to this county, this county has no authority to act. **Supp: Transfer Order from OC to this county attached to supplement.**
2. Need appointment of counsel (dementia powers requested) and report of same.
3. Petitioner requests that \$179,000 bond on OC LPS conservatorship be transferred to general conservatorship bond here. Estimated estate assets and income totals \$171,681. With new requirement of additional 10% for cost of recovery on the bond, it appears a higher \$189,000 bond would be appropriate. JTD.

4. Petitioner requests medical powers. Medical capacity declaration filed.
5. Petitioner requests dementia powers (meds and placement). Dementia attachment filed.
6. Petitioner requests authority to provide \$200/mo allowance to proposed conservatee. JTD.
7. Note that petitioner has moved to Oregon but would visit monthly for 3-4 days. Proposed conservatee is in a facility.
8. CI report filed.
9. Need notice of hearing and proof of service (or due diligences) for the four listed grandchildren of a deceased son.
10. Need return of citation. (Appears proposed conservatee cannot attend hearing.)
11. Related case (next matter) CONPS0700250 (spouse).

RECOMMENDATION:

Need to clear notes.

(/GLS/NMT/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0700250

CASE NAME: REBA J AYDELOTTE

SEE ALSO 32

HEARING:
Petition for Appointment of Conservator

COUNSEL:

LINDA NUNNENKAMP (CPE)...MCCORMICK KIDMAN & BEHRENS
REBA J AYDELOTTE (CEP)...

GENERAL INFORMATION

Continued from 12/4/07 at request of counsel. Court notes that either need a termination or transfer of the Orange County case.

Continued from 3/11/08 at request of counsel. Nothing new filed.

Continued from 4-1-08 to obtain transfer from Orange County.

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of the person and estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. An LPS conservatorship was established in 6-07 in Orange County, with bond in the amount of \$129,000. This would mean that Orange County has jurisdiction in this case. Until such time as Orange County either terminates their case or transfers their case to this county, this county has no authority to act. **Supp: Transfer Order from OC to this county attached to supplement.**
2. Need appointment of counsel (dementia powers requested) and report of same.
3. Petitioner does not request a specific bond. Estimated estate assets and income totals \$21,594. With new requirement of additional 10% for cost of recovery on the bond, it appears \$24,000 bond would be appropriate. JTD.
4. Petitioner requests medical powers. Medical capacity declaration filed.

5. Petitioner requests dementia powers (meds and placement).
Dementia attachment filed but it addresses placement only. **Court cannot grant dementia meds powers based upon this declaration.**
6. Petitioner requests authority to provide \$200/mo allowance to proposed conservatee. JTD.
7. Note that petitioner has moved to Oregon but would visit monthly for 3-4 days. Proposed conservatee is in a facility.
8. CI report filed.
9. Need notice of hearing and proof of service (or due diligences) for the four listed grandchildren of a deceased son.
10. Need return of citation. (Appears proposed conservatee cannot attend hearing.)
11. Related case (prior matter) CONPS0700249 (spouse).

RECOMMENDATION:

Need to clear notes.

(/GLS/NMT/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 10:30 DEPT: E1

CASE #: MC MS00167

CASE NAME: CONSERVATORSHIP OF ZULEMMA SAMANIEGO

SEE ALSO 35

HEARING:

Petition for FOR TERMINATION OF CONSERVATORSHIP OF THE
ESTATE,
DISCHARGE OF CONSERVATORS

COUNSEL:

DAVID A SAMANIEGO (PET)...DENNIS M SANDOVAL
APRIL L SALGE (PET)...DENNIS M SANDOVAL
ZULEMMA SAMANIEGO (CPE)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition to terminate the conservatorship
of the estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner is the Conservator of the estate. An inventory and appraisal was filed showing that the sole asset of the estate was a mobile home. The mobile home was transferred by court order to the trust of the Conservatee. Petitioner requests that the court therefore terminate the conservatorship of the estate without the necessity of an accounting, as there is nothing to account for other than the mobile home and a transfer document was filed with this petition.
2. File notice of hearing and proof of service on the Conservatee.

RECOMMENDATION:

Require proper notice. Court's discretion.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 10:30 DEPT: E1

CASE #: MC MS00167

CASE NAME: CONSERVATORSHIP OF ZULEMMA SAMANIEGO

SEE ALSO 34

HEARING:
Accounting Review

COUNSEL:

DAVID A SAMANIEGO (PET)...DENNIS M SANDOVAL
APRIL L SALGE (PET)...DENNIS M SANDOVAL
ZULEMMA SAMANIEGO (CPE)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Matter is set for accounting review. No accounting has been filed.

RECOMMENDATION:

This will depend on the court's ruling on the matter on the preceding page.

NMT.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00143

CASE NAME: IN THE MATTER OF MILLARD ALLEN NINE

HEARING:
Hearing Re: CI Report Review.

COUNSEL:
EMMA G NINE (PET)...VARNER & BRANDT, LLP
MILLARD ALLEN NINE (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Court Investigator report review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Court Investigator report dated 3-28-08 is in the file.

RECOMMENDATION:
Court's discretion.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00335

CASE NAME: COREY B. BROWN AKA COREY BROWN

HEARING:

2006 AND 2007 Account and Report of CAROL M BROWN and Petition
for allowance of fees filed.

COUNSEL:

CAROL M BROWN	(PET)...SIDNEY W JONES
COREY B BROWN	(PCE)...DONNASUE SMITH-ORTIZ
ANDREW J DAVIS	(OBJ)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 2006 and 2007 accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Accounting is not done in accord with the requirements of Pr.C. § 1060 et seq and is not done on the mandatory Judicial Council forms. Please prepare an accounting done in accord with the code and on the mandatory forms and resubmit.
2. File notice of hearing and proof of service.

RECOMMENDATION:

Require petitioner to file properly completed accounting.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 10:30 DEPT: E1

CASE #: SC SS01501

CASE NAME: MATTER OF JAMES K ROGERS

SEE ALSO 39

HEARING:

OSC re: REMOVAL OF CONSERVATOR/FAILURE TO FILE ACCOUNTING

COUNSEL:

DIANE R ROGERS (CPE)...J. DAVID HORSPPOOL
JAMES KENNETH ROGERS (CEP)...

GENERAL INFORMATION:

Continued from 1/17/08 at request of counsel. Court orders this set for OSC re removal of conservator due to the age of case and failure to file an accounting. Court orders Diane Rogers to be present at the next hearing if accounting is not filed. Nothing new filed.

Continued from 3-27-08. Accounting now filed. See next page.

THIS CASE IS SET FOR HEARING ON OSC re removal of conservator/failure to file accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Conservatorship issued 1/24/94
2. 7th Account due for the period 1/1/05 – 12/31/06. **Filed**

RECOMMENDATION:

See next page.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 10:30 DEPT: E1

CASE #: SC SS01501

CASE NAME: MATTER OF JAMES K ROGERS

SEE ALSO 38

HEARING:

SEVENTH CURRENT Account and Report of DIANE R ROGERS and
Petition for allowance of fees filed.

COUNSEL:

DIANE R ROGERS (CPE)...J. DAVID HORSPPOOL
JAMES KENNETH ROGERS (CEP)...

GENERAL INFORMATION Accounting covers 1-1-05 through 12-31-07

Assets: \$4,692.64 cash
\$144,500 real property

THIS CASE IS SET FOR HEARING ON 7th account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner has been receiving \$1,300 per month for care of the Conservatee and \$700 to cover household expenses per prior court order of 10-13-06. Petitioner requests that each of these categories be increased by \$100 for a total increase of \$200 per month to cover increased cost of living. Judge to decide.
2. Petitioner requests authority to pay attorney \$5,265 representing 27.50 hours at \$100 to \$275 per hour depending on who did the work. Amount is properly itemized. Petitioner has been sending attorney \$150 a month to pay past due attorney fees. When the fees were paid the attorney continued to accept the monthly payment and place it in his trust account. He now has \$3,000 in the trust account. He requests that he be permitted to take that amount against his fees.
3. Petitioner overpaid herself \$4,810.31. However, petitioner also advanced expenses to the estate in the amount of \$4,579.04 making the sum of overpayment \$231.27 (not \$230.91 as represented). In addition to this

amount, the petitioner used \$3,281.51 to pay utility bills. Such payment was not authorized. Petitioner spent another \$392.41 in unauthorized expenditures. For a total of \$3,905.19. Petitioner requests that this amount be deemed payment to her for her services as Conservator. Judge to decide.

4. Petitioner incurred \$755 in bank charges. The bank reversed \$195 of this amount, leaving a balance of \$560. Petitioner attributes this to the fact that she was adversely affected by the drug Lipitor. Petitioner contends that as soon as she found out about the adverse affect she stopped taking the medication. Petitioner offers no solution for reimbursement to the estate for this amount. Suggest court set matter for surcharge hearing.
5. Petitioner is paid \$700 per month for household expenses. Why was an additional \$684.55 spent on groceries? File verified supplement.
6. Summary of Account is not on the mandatory Judicial Council form (GC-400/405). Court may wish to direct petitioner to use such form for future accountings. JTD

RECOMMENDATION:

Need to correct notes and need court's rulings as indicated. If petition granted court will have to set future dates. Set hearing for the next account for 3-16-10, to cover the period of 1-1-08 to 12-31-09. Accounting to be filed 30 days in advance.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 10:30 DEPT: E1

CASE #: SC SS01625

CASE NAME: MTR RE JONATHON RYAN BOYCE

HEARING:

FOURTH Account and Report of JOHN M BOYCE and Petition for
allowance of fees filed.

COUNSEL:

JOHN M BOYCE (CPE)...J. DAVID HORSPOOL
JONATHON RYAN BOYCE (CEP)...

GENERAL INFORMATION accounting period covers 7-11-05 through 12-31-07.

THIS CASE IS SET FOR HEARING ON fourth report on request for waiver of
account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Per the petitioner the assets of the Conservatee are such that they qualify for a waiver of accounting pursuant to Pr.C. § 2628. Petitioner therefore requests that accounting be waived.
2. Petitioner requests authority to pay counsel \$1,672.50 in fees representing 5.1 at \$275 per hour and 2.7 at \$100 per hour for paralegal. The amounts are properly itemized.

RECOMMENDATION:

Court's discretion.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 10:30 DEPT: E1

CASE #: SC SS01761

CASE NAME: MATTER OF GARY D WILBURN

HEARING:
Hearing Re: Clarify Status on Accountings.

COUNSEL:
TIMOTHY WILBURN (CPE)...PRO/PER
GARY DON WILBURN (CEP)...E. JOAN NELMS

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON clarify status of accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. On 3-25-08 the court reviewed the Court Investigator report and then set matter on calendar to determine if accountings should still be required or waived. Nothing new filed.

RECOMMENDATION:
Court's discretion.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 10:30 DEPT: E1

CASE #: SC SS02594

CASE NAME: MTR RE PAULINE PATRICIA ROHRBOUCK

HEARING:

THIRD AND FINAL Account and Report of LORENE NEWTON, W L
MCKENZIE and Petition for allowance of fees filed.

COUNSEL:

LAWRENCE A DEAN II (CPE)...
PAULINE PATRICIA ROHRBOUCK (CEP)...ROGER EDWARD WALKER
LORENE NEWTON (CPE)...ELISABETH KEMPE-OLINGER
W L MCKENZIE (CPE)...ELISABETH KEMPE-OLINGER

GENERAL INFORMATION

Accounting covers period: 6/9/07 – 2/29/08

Assets on hand: \$8,677.02 (cash)

The conservatee died on 11/14/07

THIS CASE IS SET FOR HEARING ON Third and Final Account and Petition for
Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioners request fees as co-conservators of \$1,360.00. Billed at \$20/hour for a total of 68 hours. Itemized. JTD
2. Attorney requests fees of \$4,365.00. Billed at \$250/hour for attorney time and \$80/hour for paralegal time for a total of 19.5 hours. Itemized.
3. Petitioner proposes to distribute the balance of cash on hand to her sole surviving heir-at-law her son, Douglas Rohrbuck, per Affidavit per Pr.C. §13100.
4. On disbursements there are payments to various life insurance companies totaling \$23,383.77. The description states the

disbursements are "Life insurance policies being collected for Douglas Michael Rohrbuck, beneficiary of policies". Question why this is an expense? Also, if Douglas is the beneficiary, why is the entry in the conservatorship accounting? File verified supplement.

5. Need copy of attorney-client ledger to verify balance of cash on hand.

RECOMMENDATION:

Need to clear notes 4-5. If approved, court to set hearing on filing receipts and final discharge for 5/12/09.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 10:30 DEPT: E1

CASE #: SC SS02805

CASE NAME: MTR OF ESTHER RUTH WALTERS

HEARING:
SECOND REPORT WITH WAIVER OF Account and Report of JUNE
TURNER
and Petition for allowance of fees filed.

COUNSEL:
JUNE TURNER (CPE)...J. DAVID HORSPOOL
ESTHER RUTH WALTERS (CEP)...

GENERAL INFORMATION.
Report covers period: 3/1/06 – 2/29/08

THIS CASE IS SET FOR HEARING ON Second Report Current on Waiver of
Account and Petition for Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner alleges the estate qualified under Pr.C. §2628 for a waiver of accounting. Question the value of the property on hand as of 2/29/08? File verified supplement.
2. Petitioner requests fees of \$2,000.00. Generally itemized. Need specific itemization of how many hours of services, the hourly rate and specific services performed. Additionally, how will petitioner be paid? File verified supplement.
3. Attorney requests fees of \$442.50. Billed at \$275/hour for attorney time and \$100/hour for paralegal time for a total of 1.8 hours. Itemized. Question how attorney be paid? File verified supplement

RECOMMENDATION:
Need verified supplement. If approved, set next accounting review for 5/12/09.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 10:30 DEPT: E1

CASE #: SC SS02825

CASE NAME: EST OF RAMONA CORTEZ

HEARING:

FIRST Account and Report of RAMONA MAHMOOD and Petition for allowance of fees filed.

COUNSEL:

RAMONA MAHMOOD (CPE)...VICTOR P. SKVARNA
RAMONA CORTEZ (CEP)...

GENERAL INFORMATION **Continued from 3-4-08 at request of counsel to correct notes. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON 1st account current and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Conservator appointed 4/8/05, \$10,000 bond.
2. Accounting period covers 3/7/05 – 10/19/07.
3. Assets on hand \$139,842.36 consisting of cash and real property.
4. Report indicates property on hand is listed in Schedule C; however, no such schedule is affixed to the petition. Need schedule listing property on hand.
5. As this is the first accounting, need all account statements showing the account balance immediately preceding the date the conservator was appointed and all account statements showing the account through the closing date of this first accounting per Pr.C. § 2620. Also, if the account was an asset at the time of general appointment, need a Corrected Final I&A.
6. Question what is the source of the 5 receipts described as "office deposit". Need verified supplement.
7. Disbursements raise the following issues: (Need verified supplement.)

- a. 4/17/06 "Withdrawal" of \$200.00. What was the purpose of the withdrawal.
 - b. 5/21/07 "ATM UBOC" of \$200.00. What was the purpose of the withdrawal.
 - c. Online dish network \$161.47. As this is an ongoing service, question why there is only one payment.
 - d. Payments to "A.M.R." totaling \$125.00. Who or what is A.M.R.
 - e. Payments to "B.M.G." totaling \$125.00. Who or what is B.M.G.
8. Conservatee owns 50% interest in home in which the conservatee and conservator reside. Disbursements show "rent" payments of \$500 paid sporadically beginning November 2006. Question why conservatee is being charged rent for her own home. Need verified supplement.
9. Disbursement show payments for caregiver paid at \$100/month for 10/06 – 4/07. However, there are a total of 4 payments in 2007 of \$700 each described as "care giver" and one payment of \$400 in August noted as "care giver (personal)". Question the purpose of the extra payments of \$3,200 to caregiver. Need verified supplement.

RECOMMENDATION:

Need to clear notes.

(kra/abs).

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 10:30 DEPT: E1

CASE #: SC SS9340

CASE NAME: IN THE MATTER OF CHRISTOPHER LAWHON

HEARING:

TENTH Account and Report of LINDA LEE LAWHON and Petition for allowance of fees filed.

COUNSEL:

CHRISTOPHER LAWHON (CEP)...
LINDA LEE LAWHON (CPE)...EDWARD B FISCHER

GENERAL INFORMATION accounting period 1-25-06 through 1-24-08
Assets: \$460,024.95 cash and cash equivalents.
\$1,231,822. carry value or \$1,378,840.22 market value, non-cash assets.

THIS CASE IS SET FOR HEARING ON 10th accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Summary of Account is not on the mandatory Judicial Council form (GC-400/405). Court may wish to direct petitioner to use such form for future accountings. JTD
2. Petitioner requests authority to pay attorney \$3,244.50, representing 30.70 hours billed at \$50 to \$225 per hour depending on who did the work. Amount is itemized. JTD.
3. Petitioner requests that bond be increased from \$40,000 to \$100,000 and to allow the petitioner to withdraw that amount from blocked accounts. Petitioner alleges that this amount is necessary to provide for the needs of the Conservatee. It should be noted that on 4-8-08 court allowed petitioner to remove \$40,000 from blocked accounts for the same purpose. Court may wish to inquire if \$100,000 is really sufficient. Judge to decide.
4. Petitioner waives fees.
5. Accounting looks ok.

RECOMMENDATION:

Need court's ruling on 1 and 3. If petition granted court will have to set future dates. Set hearing for the next account for 4-13-10, to cover the period of 1-25-08 through 1-24-10. Accounting to be filed 30 days in advance.

NMT/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

MISC

DATE: 05/06/08 TIME: 1:30 DEPT: E1

CASE #: PROPS0600021

CASE NAME: MTR OF ANN M. STUDT TRUST

VACATED

HEARING:

Court Trial -- Estimated trial length *** hrs.

COUNSEL:

JONATHAN V. STUDT	(PET)...GREGORY S LARSON
GEORGE W. SCOTT JR	(PET)...GREGORY S LARSON
MARILYN ANN NORD	(TEE)...HORSPOOL & PARKER

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08 TIME: 2:30 DEPT: E1

CASE #: VPRVS003050

CASE NAME: ESTATE OF WILLIAM EARL GARRETT

PAGES 47 AND 48 ARE SAME CASE

HEARING:
Mandatory Settlement Conference

COUNSEL:
BRANDI L LAHARA (PET)...ROBERT L KERN
WILLIAM EARL GARRETT (DEC)...
DARRYL FREEMAN (PET)...TREMAIN & HOFFMAN, LLP
W.A. HLAVATY (PET)...MAUREEN MURATORE
THOMAS W DOMINICK (TP)...THOMAS W DOMINICK

No notes – MSC.

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/06/08

TIME: 2:30

DEPT: E1

CASE #: VPRVS003050

CASE NAME: ESTATE OF WILLIAM EARL GARRETT

PAGES 47 AND 48 ARE SAME CASE

HEARING:

SECOND AND FINAL Account and Report of BRANDI L LAHARA and
Petition for allowance of fees filed.

COUNSEL:

BRANDI L LAHARA (PET)...ROBERT L KERN

WILLIAM EARL GARRETT (DEC)...

DARRYL FREEMAN (PET)...TREMAIN & HOFFMAN, LLP

W.A. HLAVATY (PET)...MAUREEN MURATORE

THOMAS W DOMINICK (TP)...THOMAS W DOMINICK

GENERAL INFORMATION

Continued from 4/21/08.

THIS CASE IS SET FOR HEARING ON 2nd & final account and petition for fees
and final distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED-

1. The issue on appeal related to appointment is now before the Supreme Court. Code of Civil Procedure section 916(a) states in relevant part that:
"... the perfecting of an appeal stays proceedings in the trial court upon the judgment or order appealed from or upon the matters embraced therein or affected thereby, including enforcement of the judgment or order, but the trial court may proceed upon any other matter embraced in the action and not affected by the judgment or order."

RECOMMENDATION:

Suggest court inquire timeline of review and continue matter accordingly.

(kra/abs)

FUTURE HEARING DATES:

5/15/08 Readiness Calendar, 5/22/08 Court Trial

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

PROBATE

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: MPRMS01628

CASE NAME: ESTATE OF HAROLD L. JOHNSON

SEE ALSO 2

HEARING:

Hearing Re: FIRST STATUS REPORT.

COUNSEL:

M. TERESA RIVERA (PET)...DANIEL C. SEVER
HAROLD L JOHNSON (DEC)...
CARMENCHITA JOHNSON (PET)...MICHAEL SACKS

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner contends that the estate cannot move forward until such time as the court resolves the spousal property petition and the petition to vacate the appointment of the administrator. Petitioner therefore suggests that those matters be set for a contested trial.
2. File notice of hearing and proof of service in accord with Pr.C. § 12201. Whenever a status report is filed without an accounting notice must indicate a right to an accounting in accord with Pr.C. § 10950. **This form of notice is mandatory.**

RECOMMENDATION:

Require proper notice. If petition granted court will have to set future dates. Set hearing for the next status report and/or account for 5-12-09. Any accounting to be filed 30 days in advance. Estate to remain open until that time.

NMT

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: MPRMS01506

CASE NAME: ESTATE OF JULIE ANN HAWLEY

HEARING:
Hearing re Final Discharge

COUNSEL:
JOAN J BOOLEN (PET)...CRAIG
JULIE ANN HAWLEY (DEC)...

GENERAL INFORMATION

Continued from 4/8/08 for filing of statutory fee request and petition for final discharge. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. We have receipts for all distribution with the exception of statutory fees.
2. Need final discharge order.

RECOMMENDATION:
Require final discharge order to be filed.

NMT/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: MPRMS01628

CASE NAME: ESTATE OF HAROLD L. JOHNSON

SEE ALSO 1

HEARING:

Petition for SPOUSAL PROPERTY PETITION BY CARMENCHITA
JOHNSON

COUNSEL:

M. TERESA RIVERA (PET)...DANIEL C. SEVER
HAROLD L JOHNSON (DEC)...
CARMENCHITA JOHNSON (PET)...MICHAEL SACKS

GENERAL INFORMATION **Continued from 1-29-08. Nothing new filed.**
Continued from 3-18-08 to clear notes. Nothing new filed.

THIS CASE IS SET FOR HEARING ON spousal property petition

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED-

1. Petitioner requests determination of property passing to the surviving spouse without administration and confirmation of property belonging to the surviving spouse.
2. Petitioner alleges (section 5(a) that decedent is not survived by any children or issue of predeceased children. However, daughter, M.Teresa Rivera was appointed administrator of the estate on 10/2/06 claiming decedent is survived by spouse and 3 children (no issue of predeceased children). Need verified supplement clarifying heirs of decedent and required notice.
3. Petitioner alleges decedent owned the real property located in Morongo Valley, CA prior to the marriage to petitioner and that the property was transferred by way of quit claim into the names of the decedent and petitioner as joint tenants and 15 months later quit claimed title back into decedent's name. Petitioner gives no reason for

the subsequent transfer back into decedent's name. As the property is in the sole ownership of the decedent, need a declaration to overcome the apparent consensual transmutation of the real property from community to separate per Family Code section 850 & 852

4. Need verified supplement listing the relationship of persons listed in section 9.
5. Section 10 is incomplete. Need verified supplement.
6. Petitioner submits a copy of an undated note as a holographic will. As the "will" begins with "#14", question if it is submitted only in part. Also, as what looks to be a signature is illegible, question if this is decedent's signature as then it would appear that decedent is writing in third person. Need verified supplement and a typed copy of the holographic instrument.
7. Need notice of hearing and proof of service.
8. Opposition filed. Matter is contested.

RECOMMENDATION:

Need to clear notes. After notes cleared need to set for evidentiary hearing.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0600280

CASE NAME: RUDY GARCIA

HEARING:
Accounting Review

COUNSEL:
NOEMI SAUCEDA (PET)...ROGER VON KAESBORG
RUDY GARCIA (DEC)...
DEPARTMENT OF HEALTH SERVICES (TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Matter is set for accounting review. No accounting and/or status report has been filed.

RECOMMENDATION:

If the personal representative does not file the accounting as required, the court shall take action as specified in Pr. C. § 11050 et seq. There is no bonding company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700076

CASE NAME: MTR OF MARY LOU VENEZIA

SEE ALSO 3B

HEARING:

Petition for AMENDED PETITION FOR STATUTORY FEES,
EXTRAORDINARY
FEES, REIMBURSEMENT OF COSTS

COUNSEL:

ROBERT T VENEZIA	(PET)...BRYAN C. HARTNELL
MARY LOU VENEZIA	(DEC)...
WILLIAM R JAYMES	(TP)...PRO/PER

GENERAL INFORMATION

Continued from 12/11/07 to be heard with the final accounting. Minute order indicates that accounting was out for signature. Accounting still not filed. Nothing new filed.

Continued from 2-26-08. Both the amended petition and the original petition are addressed in the notes below. The amended petition varies only in the requested amount of extra-ordinary fees requested. See note 1 below.
Continued from 4/8/08.

THIS CASE IS SET FOR HEARING ON Petition for statutory and extraordinary fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner was prior counsel for the personal representative. He now seeks \$670 as half of the statutory fees, \$2,095 extraordinary fees, and \$214.34 reimbursement of costs. **Amended Petition for Fees filed 2/1/08 increasing extraordinary fee request by \$660 (to \$2,755) for time spent filing original fee petition. Amended petition otherwise contains the same requests and defects.**
Note in the first and final accounting the attorney therein

agrees to split of the statutory fees on 50/50 basis. This would make this counsel's share of the statutory fees \$737.01.

2. Extraordinary fees are itemized, based upon \$275/hr. **In final accounting, Administrator states that some tasks were ordinary. Specifics not stated. Judge to decide.** A review of the amended petition establishes that at least \$500 of the requested extra-ordinary fees appear to apply to ordinary actions. The petitioner charged \$275 for preparing a request for special administrator and \$225 for court call appearance on the petition for special administrator. The compensation for the attorney for the administrator and the attorney for the special administrator may not exceed the sum provided for in Pr.C. § 10800 for statutory fees. See Pr.C. § 8547.
3. Costs are itemized.
4. Administrator requests that the court consider carefully the request by original attorney William R. Jaymes for extra-ordinary fees. Administrator alleges that a number of requested fees deal with ordinary services. Further, it is alleged that the delays by Mr. Jaymes required the petitioner to hire new counsel.

RECOMMENDATION

Court's discretion.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700076

CASE NAME: MTR OF MARY LOU VENEZIA

SEE ALSO 3A

HEARING:

FIRST AND FINAL Account and Report of ROBERT T VENEZIA and
Petition for allowance of fees filed.

COUNSEL:

ROBERT T VENEZIA	(PET)...	BRYAN C. HARTNELL
MARY LOU VENEZIA	(DEC)...	
WILLIAM R JAYMES	(TP)...	PRO/PER

GENERAL INFORMATION

Continued from 4/8/08 to trial related hearing.

THIS CASE IS SET FOR HEARING ON first and final accounting and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Statutory fees are \$1,474.03. Counsel indicates that prior counsel requests a 50/50 split on the fees. Current counsel agrees.
2. Petitioner requests extra-ordinary fees in the amount of \$4,012 for himself and members of the family that contributed to the clean-up of the estate property so that it could sold. Itemization and breakdown of payments found at pink tab in file. Judge to decide.
3. Petitioner requests authority to pay current attorney extra-ordinary fees in the amount of \$1,875.50. This amount represents 7.7 hours at \$45-\$325 per hour. Amount is properly itemized. Judge to decide.
4. Petitioner requests authority to withhold \$1,000 in closing costs. Ok.
5. Petitioner requests that the court consider carefully the request by original attorney William R. Jaymes for extra-ordinary fees. Petitioner alleges that a number of requested fees deal with ordinary services. Further, it is

- alleged that the delays by Mr. Jaymes required the petitioner to hire new counsel. See request for fees by Mr. James in petition on preceding page.
6. Real property was sold during the course of the administration. Please file escrow reconciliation statement.

RECOMMENDATION:

Need to correct notes and need judge's ruling on 2 and 3. If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for 5/12/09.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700132

CASE NAME: TIMOTHY J. QUARLES

SEE ALSO 3D

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

ASHLEY RENEE QUARLES (PET)...ROGER VON KAESBORG
TIMOTHY J QUARLES (DEC)...
ELEANOR QUARLES (OBJ)...CHRISTINA FERRANTE

GENERAL INFORMATION

Continued from 4/7/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A. authority and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The petitioners are Ashley and Eleanor Quarles. Ashley Quarles has filed a previous petition to administer. Is Ashley Quarles withdrawing the original petition? File verified supplement .
2. All heirs waive bond.

RECOMMENDATION:

Need correction of notes. If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 12-9-08. Set hearing for filing of accounting and/or status report for 7-14-09. Any accounting to be filed 30 days in advance.

NMT/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700132

CASE NAME: TIMOTHY J. QUARLES

SEE ALSO 3C

HEARING:

Status Conference

COUNSEL:

ASHLEY RENEE QUARLES (PET)...ROGER VON KAESBORG
TIMOTHY J QUARLES (DEC)...
ELEANOR QUARLES (OBJ)...CHRISTINA FERRANTE

No notes – status conference.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700358

CASE NAME: ROBERT OLIVER WIGGINS

HEARING:

FIRST AND FINAL Account and Report of RICHARD F WIGGINS and
Petition for allowance of fees filed.

COUNSEL:

RICHARD F WIGGINS (PET)...D M DAVIS
ROBERT OLIVER WIGGINS (DEC)...

GENERAL INFORMATION **Continued from 3-25-08.**

THIS CASE SET FOR HEARING ON 1st and final Account and report with
petition for allowance of fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Letters Testamentary issued 07/26/07.
2. Attorney requests statutory fees \$6,625.41. Ok
3. Attorney requests reimbursement of advanced payment of \$152.60 in costs for the estate. Itemized. Judge to decide
4. The estate does not sufficient funds to pay the attorney's fees and for costs advanced. Petitioner and the other two heirs have pledged to pay the attorney from their personal funds.
5. Proposed distribution conforms to the terms of the will i.e. equal shares to three children, subject to an "Estate for five (5) years" on the real property in the Estate to Bruce Macdonald Elder.

RECOMMENDATION

If petition granted court will have to set future dates. Set hearing for filing of receipts and final discharge order for 5-12-09.

(cbr/NMT/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700616

CASE NAME: JAY WILLIAM BRADBURY

SEE ALSO 6

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

SHERRY LYNN BRADBURY (PET)...HARLAN R. MAASS
JAY WILLIAM BRADBURY (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON: Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1 Need Inventory and Appraisal. **Personal representative has filed a Final inventory and appraisal that is not signed by the Probate Referee, along with a petition for waiver of probate referee. See next page. If that petition is granted then this hearing can be vacated. If not, suggest court continue inventory and appraisal hearing and require inventory and appraisal.**

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, court may set a hearing in accord with Pr.C. § 2614.5 and/or 8505.

Future Hearing Date: 11-25-08 Accounting Review
(vet/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700616

CASE NAME: JAY WILLIAM BRADBURY

SEE ALSO 5

HEARING:

Petition for WAIVER OF APPRAISAL BY PROBATE REFEREE

COUNSEL:

SHERRY LYNN BRADBURY (PET)...HARLAN R. MAASS
JAY WILLIAM BRADBURY (DEC)...

GENERAL INFORMATION **Continued from 3-25-08 for notice to probate referee. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON
Petition for waiver of appraisal by probate referee.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Personal representative seeks waiver of appraisal by probate referee pursuant to Pr.C. 8903 on basis the only estate asset is life insurance proceeds.
2. Proposed I&A filed.
3. Proof of service filed including service upon Probate Referee (Bud Garvin).
4. No opposition filed as of date of review.

RECOMMENDATION
Court's discretion.

/NMT/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700646

CASE NAME: ELSIE L WOLFENDEN

VACATED

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

KENNETH F JENKINS
ELSIE L WOLFENDEN

(PET)...HEALEY & HEALEY
(DEC)...

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700768

CASE NAME: HAZEL M CLEMENTS

SEE ALSO 9

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

ARTHUR POPP II (PET)...D M DAVIS
HAZEL M CLEMENTS (DEC)...

VACATED – FINAL I&A FILED

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700768

CASE NAME: HAZEL M CLEMENTS

SEE ALSO 8

HEARING:

FIRST AND FINAL Account and Report of ARTHUR POPP II and
Petition for allowance of fees filed.

COUNSEL:

ARTHUR POPP II (PET)...D M DAVIS
HAZEL M CLEMENTS (DEC)...

GENERAL INFORMATION: **Continued from 3-25-08.**

THIS CASE IS SET FOR HEARING ON: FIRST AND FINAL Account and
Report of ARTHUR POPP II and Petition for allowance of fees filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

- 1 Testamentary Letters issued 09-18-07.
- 2 Petitioner waives compensation.
- 3 Statutory fees of \$7,620.00. Attorney waives extra-ordinary fees.
- 4 Attorney advanced \$186 in costs. Petitioner requests authority to
reimburse attorney. Ok.

RECOMMENDATION:

Recommended for approval absent objection. Set hearing for filing of receipts
and final discharge order for 5-12-09.

Vacate 11-25-08 hearing date.

(vet/NMT/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700812

CASE NAME: TESSIE M RATLEY

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

RALPH L RATLEY	(PET)...ROBBINS & HOLDAWAY
TESSIE M RATLEY	(DEC)...
CATRINA RATLEY	(TP)...MILES & HATCHER

GENERAL INFORMATION **Continued from 4-1-08. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has been filed.
2. File proof of service of a copy of the inventory and appraisal on the party requesting special notice (Law Office of Miles and Hatcher).

RECOMMENDATION:

Require proof of service.

Future hearings currently set: 12-2-08 for accounting review

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0701136

CASE NAME: JEAN M. RASMUSSEN

HEARING:

OSC re: WHY ORIGINAL WILL HAS NOT BEEN PRODUCED

COUNSEL:

JEAN M RASMUSSEN (DEC)...
CHRIS S RASMUSSEN (STE)...JACK B OSBORN

GENERAL INFORMATION:

Continued from 12/11/07. Counsel advises court that he believes original documents have been located.

Continued from 12/18/07. Counsel unable to produce original will. Ex-parte hearing to produce will held, court found allegations in petition to be true. Ex parte orders granted. Citation issued to Lori Ybarra who was cited and required to appear on 2/5/08 and show cause why the original will has not been produced. File routed to clerk for service of citation.

Continued from 2/5/08, court recognized that return of citation was not received. Routed to clerk for service of citation. Nothing new filed.

Continued from 4-1-08. On 4-1-08 court recalled prior citation and issued a new one with a more current address on the citee. Court then ordered citation served through the court. We are awaiting return of citation.

THIS CASE IS SET FOR HEARING ON O.S.C. why Lori Ybarra failed to appear and produce will.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need return of citation.

RECOMMENDATION:

Await return of citation.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800116

CASE NAME: MTR OF JAMES M BROWN

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

WILLIAM B HARVEY (PET)...GUAY P WILSON
JAMES M BROWN (DEC)...

GENERAL INFORMATION special letters issued 2-15-08 with bond of \$50,000. It should be noted that the court granted general power to the special administrator. This is not permissible as there has been no proof of publication. Pr.C. § 8545.

Continued from 4-1-08. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A. authority and \$50,000 bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests that bond be set in the amount of \$50,000. Based on the information contained in the petition this amount would appear to be adequate. **Supp; Inquiry shows real property has no equity and an account was payable on death (not a probate asset). Petitioner therefore requests minimum \$20,000 bond. Appears ok.**

RECOMMENDATION:

Need court's ruling re bond. If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 12-9-08. Set hearing for filing of status report and/or accounting for 7-14-09. Any accounting to be filed 30 days in advance.

(NMT/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800234

CASE NAME: ALICE VIRGINIA SHANE

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

NANCY PRICE (PET)...ROGER VON KAESBORG
ALICE VIRGINIA SHANE (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and
no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Will waives bond. Petitioner is a California resident.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of
inventory and appraisal for 12-9-08. Set hearing for filing of status report and/or
accounting for 7-14-09. Any accounting to be filed 30 days in advance.

NMT/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800270

CASE NAME: PETER SCHAAFSMA FAMILY TRUST DATED JULY 23
1991

HEARING:
Petition for ORDER CONFIRMING TRUST ASSETS

COUNSEL:
LORIS JUNE SCHAAFSMA (STE)...TAYLOR, SIMONSON & WINTER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition for order confirming trust assets.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Loris and Peter Schaafsma created the Peter Schaafsma Family Trust on 7-23-91. Peter died on 4-18-08. Loris is the surviving Trustor and successor trustee. Loris is the petitioner.
2. The trust was created with total assets of \$20 on the date of creation. On 9-24-91 a document purported to be an assignment of assets was allegedly created by Peter Schaafsma. Included within that document is a list of partnerships. One listed partnership is S&H Dairy. At the time of the death of Peter the 17.5% interest in the Dairy was held in Peter's name alone. Petitioner asks the court to find, pursuant to *Estate of Heggstad* (1993) 16 Cal. App. 4th 943, that the asset is an asset of the trust.
3. Once a valid trust is created property may be transferred to the trust pursuant to the terms of the trust or pursuant to the code. A trust may be modified in the same method as is used for revocation. (Pr.C. § 15402). A trust may therefore be modified by a writing (other than a will) signed by the settlor and delivered to the trustee during the lifetime of the settlor. (Pr.C. § 15401(a)(2)). Review of the trust reveals no method of adding additional asset to the trust. Hence, the method set forth in Pr.C. §

15401(a)(2) must be employed. At the time of the assignment Peter and Loris were the trustees. There is a written document that has what appears to be the initials PS at the bottom. The implication is that Peter initialed the document. But there appears to be insufficient foundation to establish that in fact Peter took such action. Further, can the court consider initials to be a signature, as is required by the code? Finally, there is nothing in the petition that establishes that the document was delivered to the trustee. Verified supplements should be required. **Supp: Per declaration of wife, decedent has a practice of signing with initials only. Also, the asset assignment document was found with the estate documents and therefore had been delivered. JTD.**

RECOMMENDATION:

Court's discretion. If approved, no future dates need be set.

NMT/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: RC RS00478

CASE NAME: LILLIE I BUTLER

SEE ALSO 31

HEARING:

SECOND Account and Report of MELISSA I HUGHES and Petition for allowance of fees filed.

COUNSEL:

MELISSA I HUGHES	(PET)...PRO/PER
MARY MORRISON	(PCR)...PRO/PER
LILLIE I BUTLER	(PCE)...

GENERAL INFORMATION continued from 12/4/07. Court directs petitioner to file a supplemental statement explaining what happened to the vehicle (note 3) as well as indicating conservatee's source of income (note 4). Nothing new filed. Continued from 1-15-08. Supplement filed.

Continued from 4-1-08 for notice. Nothing new filed.

THIS CASE IS SET FOR HEARING ON 2nd account current

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 3/28/06 court waives an accounting as estate qualifies as small estate under Pr.C.§2628.
2. Accounting period covers 6/2005 – 8/2007.
3. Summary of account does not state assets on hand. Report indicates that conservatee's account was closed due to an insufficient monthly balance to keep the account open. It appears from the schedule of disbursements that all funds received from public benefits are paid toward conservatee's care at Villa Mesa Nursing Home where conservatee currently resides. However, the inventory filed on 2/6/06 lists a non-operative vehicle appraised at \$25.00. Question the status of this vehicle. File verified supplement. **Conservatee wished to allow youngest daughter to continue using vehicle. In 8-05 steering**

column cracked and mechanic declared vehicle unrepairable due to age of the auto and unavailability of parts. Vehicle was towed to Pick-U Part and sold for \$50. Judge to decide.

4. Schedule of receipts indicate conservatee's only income is from Social Security. Question if petitioner is the payee of the public benefits. If yes, question the need of estate powers. File verified supplement.
Supplement filed. Petitioner is not the payee. The check is made out to the Conservatee. Her income from Social Security is \$1,084.10. The share of costs for the facility where she resides is \$1,049 leaving \$35 for the Conservatee. Judge to decide.
5. Need notice of hearing and proof of service.
6. **Melissa Hughes (daughter of Conservatee) has filed a supplement. She indicates that co-Conservator Mary Morrison (sister of Conservatee) receives the Social Security check for the Conservatee and distributes the assets. She indicates that Ms. Morrison desires to withdraw as co-Conservator. Ms. Hughes has advised Ms. Morrison to seek legal counsel on this issue. She has requested Ms. Morrison provide a supplemental re disbursement of the Social Security income. None filed to date by Ms. Morrison. Ms. Hughes advises that she will be taking over management of Social Security income. She further advises that it is her intent to continue as Conservator.**

RECOMMENDATION;

Need to clear note 5. If approved court to set next hearing re Accounting Review for 1/11/10. Accounting to cover the period of 8/15/07 – 8/15/09. Any accounting to be filed 30 days in advance.

(/GLS/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02064

CASE NAME: ROGELIO GONZALEZ TRUST

HEARING:
Petition for APPROVAL OF FOURTH ACCT CURRENT OF TRUSTEE

COUNSEL:
UNITED CALIFORNIA BANK (TEE)...JEROLD V GOLDSTEIN

GENERAL INFORMATION This is a professional accounting. All professional accountings are heard on Thursday. Matter continued on court's own motion to 5-29-08.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02106

CASE NAME: JOHN SETLICH

SEE ALSO 18

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

MIKE MARTIN SETLICH (PET)...PRO/PER

JOHN SETLICH (DEC)...

JOHN SETLICH (PET)...HOWARD HAWKINS

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. No inventory and appraisal filed.

RECOMMENDATION:

See next matter on calendar.

NMT

FILE OUT 4-01

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02106

CASE NAME: JOHN SETLICH

SEE ALSO 17

HEARING:

OSC re: FAILURE TO FILE BOND/VACATE ORDER APPOINTING

COUNSEL:

MIKE MARTIN SETLICH (PET)...PRO/PER
JOHN SETLICH (DEC)...
JOHN SETLICH (PET)...HOWARD HAWKINS

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON O.S.C. re failure to file bond and vacate order of appointment.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Prior notes were incorrect. Bond was posted on 9-11-07 and letters issued on the same date. It is believed that for some unknown reason the documents did not make it to the file until recently.
2. However, the inventory and appraisal has still not been filed. An improper inventory and appraisal was filed by the prior administrator on 8-13-08. Still need proper inventory and appraisal. Hence, this successor administrator does not appear to have fulfilled his duties and has failed to file a proper inventory and appraisal.

RECOMMENDATION:

If no one appears issue citations and order them personally served. Court should notice bonding company.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02914

CASE NAME: GERALD DECKER

HEARING:

FIRST & FINAL Account and Report of BARBARA IRVIN and Petition
for allowance of fees filed.

COUNSEL:

BARBARA IRVIN	(PET)...	ROBERT J SPITZ
GERALD DECKER	(DEC)...	
JAMES DECKER	(TP)...	FULLERTON, LEMANN, SCHAEFER &

THIS CASE IS SET FOR HEARING ON
First and final account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Letters of administration issued 8/3/06.
2. Petitioner and attorney each request \$44,948 statutory fees.
Calculated. However, total gross estate (fee base) is not
explained/calculated. Need verified supplement.
3. Petitioner requests \$17,291.77 reimbursement for costs advanced.
Itemized. Concerns:
 - a. At the time of 3-4 hearing counsel stipulated to disallow \$65.36 in
postage fees, \$1,335 in mileage and \$44.47 in telephone charges.
The minute order does not address items b and c below.
 - b. It appears that reimbursement has already been made. On what
basis was it made without required court approval?
 - c. Attorney requests \$814.59 reimbursement for costs advanced.
Itemized. Includes postage of \$30.59. Postage is not normally
allowed (it is an administrative overhead expense). Local Rule 20-
909. **It is unclear from the minute if counsel stipulated to
disallow the \$30.59 in postage. Supp: Request for this
postage withdrawn. Proposed order needs to reflect change.**

4. Petitioner requests \$7,065 reserve for closing taxes. Appears ok.
5. Petitioner requests authority to pay \$12,800 pending accountancy fees. In a supplement the amount is reduced to \$12,200. **Court has authorized this expenditure.**
6. Need notice of hearing and proof of service.

RECOMMENDATION

Need to clear notes. If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for 5-12-09.

/NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02958

CASE NAME: SUSAN L PEARRE

SEE ALSO 20A

HEARING:

Hearing Re: Motion to be Relieved as Counsel.

COUNSEL:

JEFFREY PERARRE	(PET)...LAYNE
SUSAN L PEARRE	(DEC)...
MATTHEW PEARRE	(OBJ)...GARRISON & MCINNIS

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Motion to be relieved as counsel.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Objector's counsel seeks to be relieved on basis he has lost communication with client.
2. Proof of service filed.
3. No opposition filed as of date of review.

RECOMMENDATION

Court's discretion.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02958

CASE NAME: SUSAN L PEARRE

SEE ALSO 20

HEARING:

Hearing Re: ACCOUNTING REVIEW

COUNSEL:

JEFFREY PERARRE	(PET)...LAYNE
SUSAN L PEARRE	(DEC)...
MATTHEW PEARRE	(OBJ)...GARRISON & MCINNIS

GENERAL INFORMATION

Continued from 3/18/08 for notice (since filed).

Continued from 4/22/08 to trail other matter.

THIS CASE IS SET FOR HEARING ON accounting review/status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Status Report is filed and petitioner alleges the estate is not yet in a position to close as the real property must be sold. Petitioner requests an additional six months to conclude the estate administration.

RECOMMENDATION:

Court's discretion. If approved, set next accounting review for 11/11/08.

NMT/gls/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS03016

CASE NAME: LOUISE ROSELLA MATE

VACATED

HEARING:
Accounting Review

COUNSEL:

ROBERT L MATE (PET)...MICHAEL J OBRIEN
LOUISE ROSELLA MATE (DEC)...

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: VPRVS003022

CASE NAME: ESTATE OF CRAIG A HURST

SEE ALSO 23

HEARING:

Hearing Re: REPORT OF STATUS OF ADMIN AND PTN FOR THREE
MONTH.

COUNSEL:

KEVIN MACKAMUL	(PET)...LAW OFFICE OF RANDALL N
SWANSO	
CRAIG A HURST	(DEC)...
PAULA HURST	(PET)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON status report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. There was a prior status report that indicated that an additional 3 months was required, as the real property of the estate was in escrow. A new status report was filed on 2-11-08 stating that the property fell out of escrow and that there are no offers pending. Petitioner requests additional time to complete the sale of the property.
2. There is another matter pending that could have an impact on this matter. See matter on the next page.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for the next status report and/or account for 5-12-09. Any accounting to be filed 30 days in advance. Estate to remain open until that time.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 9:00 DEPT: E2

CASE #: VPRVS003022

CASE NAME: ESTATE OF CRAIG A HURST

SEE ALSO 22

HEARING:

Spousal Property Petition hearing.

COUNSEL:

KEVIN MACKAMUL	(PET)...LAW OFFICE OF RANDALL N
SWANSO	
CRAIG A HURST	(DEC)...
PAULA HURST	(PET)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON spousal property petition.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner has failed to set forth the basis upon which she alleges that the property is property passing to the surviving spouse. On what basis does petitioner contend that the property is community property? How was title held? File verified supplement.
2. File notice of hearing and proof of service.
3. There is no opposition in the file at the time of this review.

RECOMMENDATION:

Need proof of service and verified supplement.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN
CONSERVATORSHIPS

DATE: 05/06/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0600012

CASE NAME: MTR OF MARGARET F VAVRIK

SEE ALSO 25

HEARING:

Petition for FOR TRANSFER OF RESIDENCE UNDER SUBSTITUTED
JUDGMENT ETC

COUNSEL:

TAUNI L SENIFF (CPE)...ELISABETH KEMPE-OLINGER
MARGARET F VAVRIK (CEP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Transfer of Residence under
Substituted Judgment

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner alleges conservatee currently resides at a board and care and will soon need to apply for Medi-Cal. Conservatee owns a residence at 17228 Fairfax St., Fontana, with a current fair marked value of \$240,000. When conservatee applies for Medi-Cal, the residence will be established as an exempt asset under the Medi-Cal regulations. Petitioner requests authority to give the residence to conservatee's daughter to Tauni Seniff, conservatee's sole heir, pursuant to Pr.C. §2580(a). Petitioner alleges that by giving the residence, the conservatee is able to assist her daughter with some financial means as she will be the one to provide the conservatee with the things that she will not be able to afford as a Medi-Cal beneficiary. Conservatee has two sons who would also be heirs at law. Question why petitioner should solely receive the residence as a gift? Also, if the home is an exempt asset under Medi-Cal

regulations, question the need to gift it out of the conservatorship estate? File verified supplement.

2. Court may wish to reappoint Attorney Donnasue Smith-Ortiz as counsel for conservatee.

RECOMMENDATION:

Need verified supplement. Court may wish to reappoint Attorney Donnasue Smith-Ortiz as counsel for conservatee.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0600012

CASE NAME: MTR OF MARGARET F VAVRIK

SEE ALSO 24

HEARING:

FIRST CURRENT Account and Report of TAUNI L SENIFF and Petition
for allowance of fees filed.

COUNSEL:

TAUNI L SENIFF (CPE)...ELISABETH KEMPE-OLINGER
MARGARET F VAVRIK (CEP)...

GENERAL INFORMATION

Accounting covers period: 12/21/06 – 12/17/07

Assets on hand: \$295,383.07 (cash of \$29,993.07, real property of \$240,000
and the balance in personal property

THIS CASE IS SET FOR HEARING ON First Account Current and Petition for
Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner requests fees of \$8,140.00. Billed at \$20/hour for 407
hours. Itemized. JTD
2. Attorney requests fees of \$11,520.00. Billed at \$225-\$250/hour for
attorney time and \$80/hour for paralegal time. Itemized. JTD
3. Petitioner requests that the bond be reduced to \$70,000 (a total
reduction of \$130,000). Appears adequate. JTD

RECOMMENDATION:

RFA subject to court's determination of bond reduction and fee requests. If
approved, set next accounting for 5/11/10. Accounting to be filed 30 days in
advance.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0700088

CASE NAME: FRANCES FAYE JONES

HEARING:

Hearing Re: CONSERVATORSHIP COMPLIANCE REVIEW.

COUNSEL:

EDWINA T JONES (PET)...D M DAVIS
FRANCES FAYE JONES (PCE)...GREGORY P JOHNSON

GENERAL INFORMATION: **Continued from 3-25-08 as counsel was ill.
Nothing new filed.**

THIS CASE IS SET FOR HEARING ON: Conservatorship Compliance Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

- 1 Letters of Conservatorship (person only) issued 10-23-07.
- 2 Need care plan.
- 3 Court Investigator's 6 month report filed.

RECOMMENDATION:

Need Care Plan in accord with Pr. C. §§ 1830, 2352 and 2352.5. Court should determine when these documents will be filed and then Court may wish to set control date to ensure compliance.

(vet/NMT/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800074

CASE NAME: RUTH C. NICKLAUS

HEARING:

Petition for Appointment of Conservator

COUNSEL:

TERRY L HECKER (CPE)...DENNIS M SANDOVAL
RUTH C NICKLAUS (CEP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of the person and estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Medical powers sought. File capacity declaration.
2. Dementia powers are sought. Please file capacity declaration.
3. Dementia powers are sought. Court must appoint counsel.
4. Petition indicates that Conservatee is unable to attend. Need medical declaration.
5. Need Court Investigator report.
6. Petitioner requests bond. Based on the information in the file amount is adequate. However, under Pr.C. § 2320 bond must be increased by 10% to cover possible collection costs. Hence, bond must be set at \$26,400.

RECOMMENDATION:

Need to correct notes. If petition granted court will have to set future dates. Set hearing for filing of I & A, care plan and proof of recordation of letters, including proof of service of I & A, instructions for objection to I&A, order appointing Conservator and care plan in accord with Pr.C. §§ 1830, 2313, 2352 and 2610 for 12-9-08. Set hearing for accounting review for 7-14-09. Accounting to be filed 30 days in advance.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800078

CASE NAME: MTR OF DEBORAH LYNN WARE

HEARING:
Petition for Appointment of Conservator

COUNSEL:
MELODY A SOLOMON (CP)...PRO/PER
DEBORAH LYNN WARE (CTP)...MITHCHELL I ROTH

GENERAL INFORMATION temporary orders denied.

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of the person only by sister.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatee is able to make her own medical decisions. Petitioner requests authority pursuant to Pr.C. §§ 2351 through 2358. Petitioner requests authority to make emergency decisions only. Capacity declaration supports Conservatee's ability to make medical decisions.
2. Petitioner requests that the Court Investigator fee be waived as the Conservatee's only income is S.S.I.
3. Conservatee is an Inland Regional Center client. Court has ordered Inland Regional Center report. We are awaiting report.
4. Court Investigator report filed.

RECOMMENDATION:
Need IRC report. If petition granted court will have to set future dates. Set hearing for filing of care plan for 12-9-08.

NMT/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800082

CASE NAME: BARBARA KOPTIS

SEE ALSO 29A

HEARING:
Case Management Conference

COUNSEL:

RICHARD BATEMAN (PCR)...HEALEY & HEALEY
BARBARA KOPTIS (PCE)...

No notes – Case Management Conference. (Conservatorship of person and estate case just transferred from Riverside County. Will need new Accounting review in December 2009.)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800082

CASE NAME: BARBARA KOPTIS

SEE ALSO 29

HEARING:
MOTION TO BE RELIEVED AS COUNSEL

COUNSEL:

RICHARD BATEMAN (PCR)...HEALEY & HEALEY
BARBARA KOPTIS (PCE)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Motion to be relieved as counsel.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Appointed counsel seeks to be relieved on basis case has just transferred here from Riverside County and she does not practice here. Counsel anticipated PG will be involved and court will appoint local counsel.

RECOMMENDATION

Court's discretion. If approved, suggest court appoint new local counsel.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 10:30 DEPT: E2

CASE #: MC MS00056

CASE NAME: IN THE MATTER OF VAUGHN PAUL HIGH

HEARING:
Hearing re: OSC re: ACCOUNTING

COUNSEL:
KATHLEEN S VANDREEL (PET)...PRO/PER
VAUGHN PAUL HIGH (CEP)...

GENERAL INFORMATION

Waiver of accounting last granted on 1/24/06

Continued from 01-22-08 on court's motion for non-appearance and filing of Inventory and Accounting. Clerk gave notice. Nothing new filed.

Continued from 3-25-08. Petitioner again failed to appear. Court referred matter to Court Investigator for investigation of where the Conservator and Conservatee are located. We are awaiting report. Nothing new filed.

THIS CASE IS SET FOR HEARING ON OSC re accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting or waiver of accounting is filed.
2. Letter in file from CI to conservator indicates CI cannot locate conservator. Handwritten notation at bottom indicates conservator has moved to Green Bay, WI. Conservator cannot move out of state with conservatee without court approval and new conservatorship there. **Suggest court set OSC re residence forthwith.**

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. There is no bonding company to notice.

(/vet/GLS/NMT/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 10:30 DEPT: E2

CASE #: RC RS00478

CASE NAME: LILLIE I BUTLER

SEE ALSO 15

HEARING:

Petition for REMOVE CO CONSERVATOR POWERS AND AMEND
LETTERS OF
CONSERVATORSHIP

COUNSEL:

MELISSA I HUGHES	(PET)...PRO/PER
MARY MORRISON	(PCR)...PRO/PER
LILLIE I BUTLER	(PCE)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition to remove co-Conservator Mary Morrison

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The petitioner is Melissa Hughes who is the daughter of the Conservatee and co-Conservator. As such she has standing to bring this petition pursuant to Pr.C. § 2651.
2. Petitioner alleges that the co-Conservator has not been active in the care and control of the Conservatee. Pursuant to Pr.C. § 2650(c), continued failure to perform duties, petitioner requests that Ms. Morrison be removed. Petitioner also requests a full accounting of Ms. Morrison.
3. If the court determines at the time of the hearing that there are grounds for removal the court may remove the Conservator pursuant to Pr.C. § 2653.
4. Notice appears to be sufficient.

RECOMMENDATION:

Court's discretion.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 10:30 DEPT: E2

CASE #: RC RS00508

CASE NAME: FELIPA GONZALEZ

HEARING:
Petition for ATTORNEY'S FEES

COUNSEL:

GUSTAVO GONZALEZ	(PET)...PRO/PER
ABEL GONZALEZ	(PET)...PRO/PER
ALICE PEREZ	(PET)...CHRISTINA FERRANTE
FELIPA GONZALEZ	(PCE)...DONNASUE SMITH-ORTIZ
RACHEL GONZALEZ	(PET)...PRO/PER
JOSE GONZALEZ	(PET)...PRO/PER
COURT INVESTIGATOR	(TP)...PRO/PER

GENERAL INFORMATION Continued from 4-1-08 for service on Attorney Smith-Ortiz. Nothing new filed.

THIS CASE IS SET FOR HEARING ON petition for attorney fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner's office was the attorney for the Conservatee in the early portions of this case. Initially the Conservatee objected to the creation of a conservatorship. Law office was the attorney for the Conservatee from 9-04 through 1-05.
2. Petitioner requests fees of \$3,375.04. Petitioner has provided a billing statement, but has not provided an itemization. As there is no itemization it cannot be determined if the charges are reasonable. File verified supplement.
3. Petitioner alleges that the estate of the Conservatee is valued at \$241,648.09. However, review of the last accounting shows that the assets on hand in 3-31-06 were \$197,158.53. It is unknown what the

assets of the Conservatee are at this time. It should be noted that the first account current was approved on 3-23-07. However, that order did not set a future hearing date for subsequent accountings. Court may wish to revisit this issue.

4. There is no opposition in the file at the time of this review.

RECOMMENDATION:

Need correction of note 2 and court's ruling on note 3.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 10:30 DEPT: E2

CASE #: SC SS02608

CASE NAME: MATTER OF PATRICIA B ZEINER

HEARING:
Petition for Appointment of Conservator

COUNSEL:
MELODIE Z SCOTT (CE)...HARTNELL LISTER & MOORE
PATRICIA B ZEINER (CTE)...DUANE P BOOTH

GENERAL INFORMATION:
Temporary letters (person only) issued 4/15/08. Petitioner is already conservator of the estate

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservator (to add person), by Melodie Scott PPF

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court investigator notes conservatee died on 4/15/08. Thus petition is moot.
2. Need to calendar accounting review for final accounting to cover the period 3/31/07 – 4/15/08.

RECOMMENDATION:
Take petition off calendar. Set accounting review for fourth & final accounting by petitioner to cover the period 3/31/07 – 4/15/08 for 7/24/08. Accounting to be filed 30 days in advance.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 10:30 DEPT: E2

CASE #: SC SS02874

CASE NAME: MTR OF ETHEL MAE WILLIAMS

HEARING:

SECOND AND FINAL Account and Report of ADRIENNE RILEY and
Petition for allowance of fees filed.

COUNSEL:

ADRIENNE RILEY (CPE)...EDWARD B FISCHER
ETHEL MAE WILLIAMS (CEP)...

**NOTE TO COURT: C.C.P. § 170.6 declaration filed as to Judge Ludvigsen
on 4-6-08. Timeliness will have to be determined.**

GENERAL INFORMATION Accounting covers 5-26-06 through 12-26-07.

Conservatee died on 12-26-07.

Assets: \$271.28 cash

\$295,429.13 non-cash assets.

THIS CASE IS SET FOR HEARING ON second and final account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Review of the accounting shows that there are multiple entries each month to Wal-Mart for depends, clothing and personal items. There are generally additional entries to other stores for clothing each month as well. Did court wish to see receipts? Judge to decide.
2. Summary of Account is not on the mandatory Judicial Council form (GC-400/405). Court may wish to direct petitioner to use such form for future accountings. Judge to decide.
3. Conservator waives fees.
4. Petitioner requests authority to pay attorney \$2,985 in fees representing 22.5 hours at \$50 to \$250 per hour depending on who did the work.

Amount is properly itemized. As there is only \$271 in cash assets how is counsel to be paid? File verified supplement.

5. Three family members hired for cleaning and repair work and personal care of the Conservatee. Total amount spent was \$250. Appears ok.
6. Remaining assets are to be turned over to the representative of the estate of the decedent.

RECOMMENDATION:

Need court's ruling on 1, 2 and 5. Need verified supplement on 4. If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for 5-12-09.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 10:30 DEPT: E2

CASE #: SC SS03152

CASE NAME: MTR OF STELLA L ROBERTS

HEARING:

FIRST AND FINAL Account and Report of DANIEL A ROBERTS and
Petition for allowance of fees filed.

COUNSEL:

DANIEL A ROBERTS (CPE)...BRYAN C. HARTNELL
STELLA L ROBERTS (CEP)...DUANE P BOOTH

GENERAL INFORMATION Accounting covers 8-15-06 through 11-5-06.
Conservatee died on 11-5-06.
Assets \$110,803.99 cash

Continued 4-1-08 to file supplement. Nothing new filed.

THIS CASE IS SET FOR HEARING ON first and final account and report of
temporary Conservator.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Accounting covers up to the death of the Conservatee. There is no after death accounting and as the petition indicates an intent to distribute the assets to the personal representative of the estate of the decedent it must be assumed that the Conservator still has the assets. Did court wish to require an after death accounting? Judge to decide.
2. Is petitioner waiving fees? File verified supplement.
3. Petitioner requests authority to pay attorney \$4,385 in fees. Amount is itemized.
4. Petitioner requests authority to distribute remaining assets to personal representative of the estate.
5. In the accounting there is a payment of \$4,700 to Ana Raedoi without explanation. File verified supplement explaining.

6. File paralegal qualifications as required by California Rule of Court, rule 7.754.

RECOMMENDATION:

Need to correct notes. If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for 4-7-09.

/NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/06/08 TIME: 10:30 DEPT: E2

CASE #: SC SS9242

CASE NAME: IN THE MATTER OF JOAN G SCOTT

HEARING:

SEVENTH Account and Report of MARK SCOTT and Petition for allowance of fees filed.

COUNSEL:

JOAN G SCOTT
MARK SCOTT

(CEP)...
(CPE)...ROGER VON KAESBORG

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 7th accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Summary of Account is not on the mandatory Judicial Council form (GC-400/405).
2. Assets exceed \$500,000 and therefore the new standard accounting rules must be used. Even if the petitioner elects to not use the non-mandatory forms, the accounting for receipts and disbursements must be in subject-matter categories. They are not. Please file an amended accounting using the proper format.

RECOMMENDATION:

Require petitioner to submit an amended accounting using the new mandatory format.

NMT